



Joe Lombardo
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION

Tracy Larkin - Thomason, P.E., Director

District II
310 Galletti Way
Sparks, Nevada 89431
March 20, 2023

Joshua G. Myers
439 Plumb Lane
Reno, NV 89509

Re: Permit No. 206870-17 (SR 28 WA 9.60) – Final Terms and Conditions

Dear Permittee:

You are receiving this DocuSign request because the above referenced permit application is ready for your review and signature prior to issuance.

Project Scope: On SR 28 at 449 Lakeshore Dr. (Crystal Bay) from HES "X2" 791+07 Rt. (WA 9.60) to HES "X2" 791+07 Rt. (WA 9.60), construct a Type 5 Residential Approach. Construction activity must be completed prior to NDOT contract 3858, within a year of the release date.

For quicker permit processing, your review and signature can be completed through DocuSign. If you would prefer not to electronically sign, please contact the District Permit Office and schedule an appointment to review and sign the document.

Attached with this letter is a finalized version of the TERMS AND CONDITIONS specific to the above permit. Please carefully review the scope of work and required conditions. The Permittee shall be responsible for all conditions outlined in this document. If you have any disagreements with the provided document, please contact the District Permit Office to discuss your concerns prior to declining to sign.

When you have reviewed and agree to all the final TERMS AND CONDITIONS, please initial and sign as prompted by DocuSign. While an option in DocuSign, please do not physically sign a copy and scan back into DocuSign.

After completion, you will receive a copy of the document with your initials and signature for your reference. **Please be aware that this is not a confirmation of permit approval.** Permit issuance will occur after the District Engineer has physically signed the document. The District Permit Office will notify you in the next letter of permit issuance. Again, the DocuSign document you receive is not your permit.

If you have any questions or if I can be of any further assistance, do not hesitate to contact the District Permit Office at (775) 834-8330 or e-mail D2Permits@dot.nv.gov.

Sincerely,

DocuSigned by:


DC16058FF7684DC...

Dawson Overbay

NDOT District II Interim Permit Coordinator

DO/smg

Enc: Final Terms and Conditions

Cc: Joe Dunn jdunn@tecreno.com
District File

Fee:	<u>\$50.00</u>	Permit No.:	<u>206870</u>
Milepost:	<u>SR 28 (WA 9.60)</u>	District:	<u>II</u>
District No.:	<u>206870-17</u>		
Applicant:	<u>Joshua G. Myers</u>		
Type of Work:	<u>Construct a new residential approach.</u>		
Work Order No.:	<u>20151231</u>		
Reviewed By:	<u>Dawson Overbay</u>	<u>03/21/2023</u>	

**REVOCABLE PERMIT FOR OCCUPANCY OF
NEVADA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY
(Under the provisions of NRS 408.423, 408.210 and NAC 408)**

1. Location where excavation, construction, installation and/or occupancy is proposed

<u>SR 28</u>	<u>449 Lakeshore Dr.</u>
Location name of highway	Street address or nearest cross street

2. Type, scope of work, and any additional information:

On SR 28 at 449 Lakeshore Dr. (Crystal Bay) from HES "X2" 791+07 Rt. (WA 9.60) to HES "X2" 791+07 Rt. (WA 9.60), construct a Type 5 Residential Approach. Construction activity must be completed prior to NDOT contract 3858, within a year of the release date.

3. **SPECIFIC TERMS AND CONDITIONS APPURTENANT TO THIS PERMIT ARE LISTED ON PAGE 2.**

4. Permit Contact Information:

<u>Joshua G. Myers</u>	
Name of CO-PERMITTEE	

<u>439 Plumb Lane</u>	
Address	

<u>Reno, NV 89509</u>	
City, State, Zip	

<u>(775) 352-4200</u>	<u>jgm@blackstonedevelopmentgroup.com</u>
Phone No.	Email

<u>123-250-08</u>	
Permittee's I.D. No. or Parcel No.	

PERMITTEE: Joshua G MyersDISTRICT NO. 206870-17**SECTION I: ENCROACHMENT PROVISIONS****Encroachment Provisions: Description and Location**

1) On SR 28 at 449 Lakeshore Dr. (Crystal Bay) from HES "X2" 791+07 Rt. (WA 9.60) to HES "X2" 791+07 Rt. (WA 9.60), construct a Type 5 Residential Approach. Construction activity must be completed prior to NDOT contract 3858, within a year of the release date.

All work shall be in accordance with revised plans by Tieslau Civil Engineering Inc. dated 05/07/2019 and NDOT Standards and Specifications. Any conflicts between the attached plans and NDOT Standards and Specifications shall be documented in writing and submitted to the Permit Office for acceptance prior to implementation. Written requests to deviate from NDOT Standards and Specifications must identify the standard, identify the proposed deviation, identify any proposed mitigation, suggest how proposed deviation and mitigation meets the intent of NDOT Standards and Specifications and suggest why the deviation is reasonable and safe. Deviation letters must be stamped by an engineer registered in the State of Nevada.

Encroachment Provisions: Standards and Specifications

2) All work performed under this permit and under routine and emergency maintenance will be in accordance with the current editions of the State of Nevada, Terms and Conditions Relating to Right-of-Way Occupancy Permits (2018) <https://www.nevadadot.com/Home/ShowDocument?id=8440>, the State of Nevada, Standard Specifications for Road and Bridge Construction (2014) <https://www.nevadadot.com/home/showdocument?id=6916>, the State of Nevada, Standard Plans for Road and Bridge Construction (2020) <https://www.nevadadot.com/home/showpublisheddocument?id=17276>, Access Management System and Standards (2017) <https://www.nevadadot.com/home/showpublisheddocument?id=11581>, the National Electrical Safety Code, the American Association of State Highway and Transportation Officials (AASHTO) publications, "A Guide for Accommodating Utilities within Highway Right-of-Way" (2005) and "A Policy on the Accommodations and Installation of Utilities on State and Federal-Aid Highways, within the State of Nevada" and will be accomplished to the satisfaction of the District Engineer. All construction will be in conformance with the requirements, rules, and regulations of the State of Nevada Public Utilities Commission, the State of Nevada Industrial Insurance System and the State of Nevada Labor Commission. NDOT's Standard Plans and Specifications are available for purchase at the District II Permit Office.

Encroachment Provisions: General

3) All work authorized by this permit will be completed within one year from date of issuance thereof, or this permit will be revoked; except upon written request, the PERMITTEE may be given, at the discretion of NDOT, an extension.

4) NDOT right-of-way permits are issued with the understanding that any particular action will not be considered as establishing any precedent on the question of the expediency of permitting any kind of right-of-way occupancy to be erected within the right-of-way of state highways, or as to any utility or acceptability of any such permits as to any other or future situations.

PERMITTEE



DATE

03/30/2023

PERMITTEE: Joshua G MyersDISTRICT NO. 206870-17

5) In the event the NDOT right-of-way, encumbered by this permitted encroachment, is needed for future highway purposes, PERMITTEE agrees to modify, adjust, remove or relocate the facility authorized herein, at no cost to the State of Nevada.

6) All new facilities shall be placed a minimum of three feet (3') clear distance from new or existing NDOT facilities, except in areas where special protection methods have been planned, reviewed and approved by NDOT.

7) Advertising within the NDOT right-of-way is restricted per NRS 405.110. It is the PERMITTEE's responsibility to understand and comply with all applicable local, state and federal requirements regarding advertising within the right-of-way.

8) PERMITTEE agrees to indemnify, defend and save harmless the State of Nevada and its officers, agents, and employees against any and all liability, loss, damage, cost and expense which it or they may incur, suffer, or be required to pay by reason of death, disease, or bodily injury to any person or persons, or injury to, destruction of, or loss of use of any property, including property belonging to the State of Nevada, arising out of or incident to activities contemplated by this permit, and proximately caused, in whole or in part, by any act or omission of the PERMITTEE, or its contractors, agents, or the employees of any one or all of them, or by the officers, agents, or employees of the State of Nevada, unless it is established by the PERMITTEE that the proximate cause was the willful misconduct or gross negligence of the officers, agents, or employees of the State of Nevada. Costs and expenses will include but are not limited to, the amount of the judgment, court costs, litigation expenses, expert witness fees, and reasonable attorney fees.

Encroachment Provisions: Amendments, Transfers, and Time Extensions

9) An Amendment may add, take away or change the terms and conditions of this permit. When initiated by the PERMITTEE, a formal request shall be made to NDOT. Upon completion of the construction and NDOT's acceptance of the work, all construction shall be considered complete and no Amendments may be issued. Any future improvements shall require a new encroachment permit.

10) All formal requests shall be processed through the District II Permit Office. This includes, but not limited to:

- i. Amending the accepted Additional Terms and Conditions
- ii. Time extension for permitted construction activities
- iii. Construction hour of operations
- iv. Allowance to work one working day before, during, and the working day after scheduled holiday or special event

11) PERMITTEE may not transfer, convey, or assign this permit, or any privilege or responsibility contained here in pertaining to actual work to be accomplished without written approval from NDOT.

PERMITTEE



DATE

03/30/2023

PERMITTEE: Joshua G MyersDISTRICT NO. 206870-17

12) A formal request letter, addressed to the District Engineer, shall be signed and submitted by the PERMITTEE to the District II Permit Office. During permitted construction, coordinate any formal requests through the District Inspector. NDOT will not be responsible for any administration delay as a result of the PERMITTEE or a representative of the PERMITTEE not submitting the formal request to the District II Permit Office for processing.

Encroachment: Additional Permits and Surveys

13) Prior to commencement of any work within the NDOT right-of-way, PERMITTEE must:

- i. Obtain any and all other permits required by Federal and State law or local ordinances.
- ii. Obtain and abide by any and all environmental permits applicable under, but not limited to, the "Clean Air Act" the "Clean Water Act" and "Endangered Species Act."

14) For any activity to be performed within Washoe County, PERMITTEE is required to contact the Air Quality Management Division at (775) 784-7200, to ensure compliance with the county dust control regulations.

SECTION II: CONSTRUCTION

Construction: General

15) A complete permit package, including but not limited to, Terms and Conditions, temporary traffic control plans, and engineering plans, shall be available at the work site at all times during construction. At all times, all contractors and subcontractors connected with this permitted activity shall have a complete copy of this permit package at the work site. The construction activity may be ordered to cease by NDOT if a copy of the complete permit package is not available on-site.

16) PERMITTEE shall submit "As-built" plans to the District II Permit Office showing the exact locations and depths, on both plan and profile, within thirty (30) days of completion of construction.

17) Trees that are deemed to interfere with the proposed project, shall be identified as to the species, size and location. No removal of any trees will be allowed without prior written approval given by NDOT. To obtain approval, submit formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE, and submitted at least five (5) working days prior to the day requested.

18) PERMITTEE shall not remove or replace storm drain pipe during construction. If field constraints exist requiring the removal of the pipe, the storm drain pipe shall to be replaced with like pipe in material (class IV RCP, CMP, HDPE) and size. The pipe joints shall be per NDOT Standard Detail R-2.1.1. PERMITTEE shall not encase the storm drain, except at joints as per standard.

Construction: Hours of Operation

19) PERMITTEE's contractor shall contact the District II Permit Office at (775) 834-8330, to have a pre-construction meeting on-site, with the District Inspector, prior to construction.

PERMITTEE 
 DATE 03/30/2023

PERMITTEE: Joshua G Myers

DISTRICT NO. 206870-17

20) PERMITTEE shall coordinate all traffic control and construction activities with the NDOT Resident Engineer Harold McCoy (775) 888-7708.

21) PERMITTEE shall contact the District II Permit Inspector at (775) 834-8330, a minimum of five (5) working days prior to the anticipated beginning of construction and five (5) working days prior to any lane closure (NDOT accepted temporary traffic control plans).

22) The hours of work shall be from 7:00 AM to 3:30 PM, daily, Monday through Friday, provided all through lanes of traffic are unrestricted by activity in progress. If traffic is restricted by activity in progress, hours of work shall be from 9:00 PM to 5:30 AM, nightly, Sunday night through Friday morning. Any change in work hours must receive prior written approval from NDOT. To obtain approval, submit a formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE, and submitted at least five (5) working days prior to the day you wish to work adjusted hours.

23) No work shall be allowed in the NDOT right-of-way from 5:00 AM the working day before a holiday through 7:00 PM the working day after a holiday, unless prior written approval has been given by NDOT. To obtain approval, submit a formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE and submitted at least five (5) working days prior to the day requested.

24) No work shall be allowed the working day before, during, and the working day after scheduled special events, unless prior written approval has been given by NDOT. It is the PERMITTEE's responsibility to become aware of local or special events scheduled in the area of construction. To obtain approval, submit a formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE and submitted at least five (5) working days prior to the day requested.

Construction: Standards and Practices

25) Contact "UNDERGROUND SERVICE ALERT" not less than two (2) working days, but not more than fourteen (14) days, before starting any excavation. Contact by telephone and comply with all instructions so received. The toll-free number is 1-800-227-2600.

26) No potholing of the roadway without written authorization.

27) No pavement shall be cut.

28) PERMITTEE shall supply a certified testing technician for compaction tests of aggregate base and asphaltic concrete, at the direction of the District Inspector.

29) Concrete mix designs for Standard Occupancy Permits will be previously approved NDOT mix designs (approved within the last 12 months), for each designated application.

30) Dense-grade asphaltic concrete mix designs for Standard Occupancy Permits shall be previously approved NDOT mix designs (approved within the last 12 months).

PERMITTEE 

DATE 03/30/2023

PERMITTEE: Joshua G Myers

DISTRICT NO. 206870-17

31) Open-grade asphaltic concrete mix designs for Standard Occupancy Permits shall be previously approved NDOT mix designs (approved within the last 12 months).

32) The open-grade hot asphaltic concrete shall be placed only when atmospheric temperature in the shade and the pavement surface temperature are above sixty degrees Fahrenheit (60° F). In the event that the ambient or surface temperature specifications cannot be achieved during the placement of the permanent patch, the dense grade shall be paved flush with the existing surface. The permanent patch shall be mechanically milled one inch (1”) deep and open-graded at the earliest time when both the ambient and surface temperature specifications can be achieved. The open-grade shall be placed within 48 hours of the completion of the milling operation. The limits of the pavement milling and replacement shall be adjusted in the field by the District Inspector.

33) PERMITTEE’s contractor shall construct longitudinal joints between the existing paved section and new paved approaches or roadway using a “keyed-in” method, per the attached detail.

34) All permanent patches shall meet the specifications set forth in Sections 402.03.05 and 403.03.04 - Surface Tolerances, of the State of Nevada Department of Transportation Standard Specifications for Road and Bridge Construction, current edition.

35) The limits of the permanent patch shall be adjusted in the field by the District Inspector.

36) Restored paved areas shall be maintained by the PERMITTEE until such time as they are overlaid or reconstructed by NDOT. In the event of settlement in the area of the patched surface, NDOT may require the PERMITTEE to repair the disturbed area to correct the problem. Failure by the PERMITTEE to do so may result in necessary replacements and repairs by NDOT or its contractors. Actual direct and related indirect costs incurred by NDOT in performing the repairs or replacement shall be billed to the PERMITTEE.

37) All conflicting pavement markings (striping and pavement legends) shall be completely removed. The method of removal shall be by milling one inch (1”) of the existing pavement to the full roadway width. Open-grade from an approved NDOT mix design shall be placed at a depth of one inch (1”) at the earliest time. The limits of the pavement milling and replacement shall be adjusted in the field by the District Inspector.

38) All backfill material shall conform to the NDOT Standard Specifications: Section 207 for granular backfill and Section 302 for aggregate base. Material shall be from a NDOT source-accepted pit. Submittals for materials, certified by the NDOT Headquarters lab, dated within one year of construction, are due prior to the beginning of construction.

39) Steel plate shall not be used on any paved surface maintained by NDOT. All temporary patches open to traffic shall be paved with hot plant mix asphaltic concrete. Cold mix asphalt shall not be used on roadways maintained by the NDOT.

40) PERMITTEE may allow traffic on a mechanically milled pavement surface, for a period not to exceed five (5) calendar days.

41) PERMITTEE shall mechanically mill only the quantity of pavement that can be paved within the same shift.

PERMITTEE 
DATE 03/30/2023

PERMITTEE: Joshua G Myers

DISTRICT NO. 206870-17

- 42) All roadway widening in the NDOT right-of-way shall match the existing roadway structural section, both by the material types and depths.
- 43) PERMITTEE’s contractor shall submit material test results, performed or certified by the NDOT Materials Division, dated within one year of the submission, prior to the beginning of construction.
- 44) All work within the NDOT right-of-way shall be in compliance with the Americans with Disabilities Act.
- 45) PERMITTEE shall be responsible for maintaining the integrity of the roadway surface during construction. Dust, dirt, mud, gravel, etc. carried onto the roadway surface shall be removed on a regular basis (at least once a day or as requested by NDOT personnel). Failure to comply may result in NDOT having the roadway cleaned and the cost for the clean-up billed to the PERMITTEE.
- 46) PERMITTEE shall maintain an ongoing dust control program, including watering of open areas, conforming to the latest Federal, State, and County air pollution regulations. PERMITTEE shall submit a dust control plan for approval to the appropriate air pollution control division and the approved plan shall be available at the job site, prior to commencement of any work within the right-of-way.
- 47) PERMITTEE shall comply with State and Federal regulation, all areas disturbed and left undeveloped for longer than twenty (20) days shall be stabilized by the application of an approved dust palliative.
- 48) PERMITTEE shall ensure that contractors and subcontractors, that are moving equipment and materials from the project site into the right-of-way, where noxious weeds are present, shall wash and clean equipment prior to being moved.
- 49) PERMITTEE shall remove large rocks four inches (4”) or larger unearthed during construction from the surface of the right-of-way area. The rocks shall be disposed of by burying in approved locations or used as riprap in approved drainage locations.
- 50) PERMITTEE shall re-install signs, object markers, milepost panels, marker posts and guideposts disturbed during construction by the end of the working day.
- 51) PERMITTEE shall not store equipment, materials or spoils in right-of-way outside of normal working hours.

Construction: Traffic Operations and Safety

- 52) In the event of forecasted inclement weather conditions, PERMITTEE shall ensure that permit activities are ceased and that the right-of-way has been prepared and is safe for weather related maintenance activities and motorists.
- 53) PERMITTEE shall not use the NDOT right-of-way for construction truck staging or deliveries. All truck staging and deliveries shall be accomplished outside of the NDOT right-of-way.
- 54) PERMITTEE shall maintain two-way alternating traffic at all times during construction. This will require the use of flaggers and/or pilot vehicles.

PERMITTEE 
DATE 03/30/2023

PERMITTEE: Joshua G Myers

DISTRICT NO. 206870-17

55) PERMITTEE shall set up traffic control to accommodate for the needs of pedestrians (and/or bicyclists).

56) The work of setting up and tearing down traffic control devices as required shall be completed each day within the hours specified on the permit and/or on the approved traffic control plan. All traffic control devices shall be completely removed from the roadway and sidewalk at the end of the work period.

57) All traffic control shall conform to the Manual on Uniform Traffic Control Devices, "Chapter 6," and the State of Nevada, Standard Plans for Road and Bridge Construction, 2017 Edition.

Regardless of traffic control operations, do not stop public traffic for more than a 20-minute duration and do not delay it for more than 30 minutes total, regardless of the number of work zones. Any proposed traffic control plan must meet the duration of delay restrictions (20 minutes stopped, 30 minutes total delay). Should these delay restrictions be exceeded, work will be immediately suspended. If work is suspended, submit a written revised construction plan which addresses the delay problem. Upon approval of the plan the construction operations may resume.

58) All Category 1 & 2 Traffic Control Devices used on NDOT roadways shall be National Cooperative Highway Research Program (NCHRP) Report 350 compliant. PERMITTEE and/or contractor shall have manufacturer's certificates of compliance available at the project site.

59) All traffic control devices are subject to being rated by the District Inspector for serviceability condition to the current American Traffic Safety Services Association (ATSSA) publication "Quality Standards for Work Zone Traffic Control Devices" which is available from the American Safety Services Association, 15 Riverside Parkway, Fredericksburg, VA 22406, Phone: (540) 368-1701. Any device determined by the Inspector to not meet these quality standards shall be replaced with an acceptable device.

60) Any appurtenance installed that represents a hazard to the travelling public shall be protected in accordance with the AASHTO Roadside Design Guide, current edition, and approved by NDOT prior to installation.

61) All vertical drop-offs three inches (3") or greater, that are within the roadway clear zone, shall be protected by an NDOT approved method.

62) Any temporary speed reductions in work zones must be approved by NDOT. Submit requests to the District Permit Inspector and allow up to 4 weeks for processing.

63) Any deviation from the accepted temporary traffic control plans shall require prior approval by District II Permit Office. PERMITTEE shall contact the District Inspector for direction.

64) If an incident (accident/crash) occurs within the placed temporary traffic control, the PERMITTEE shall not modify or tamper with the existing traffic control devices. All traffic control devices shall remain for the incident investigation team. Temporary incident signage (pink color) may be placed to alert motorists of an incident event. The PERMITTEE shall receive verbal or written approval prior to modifying or removing temporary traffic control devices after the incident.

65) All pavement markings damaged by construction activities shall be replaced. Striping limits shall be adjusted in the field by the District Inspector.

PERMITTEE 

DATE 03/30/2023

PERMITTEE: Joshua G Myers

DISTRICT NO. 206870-17

66) All permanent pavement markings shall be either hot applied or preformed thermoplastic and shall conform to the NDOT Standard Specifications Section 634 for pavement marking film.

Construction: Hydraulics

67) PERMITTEE shall conform to Appendix “E” - Hydraulic Guide for Fiber Optic/Utility Line Installation” of the State of Nevada, Terms and Conditions Relating to Right-of-Way Occupancy Permits, 2018 Edition, for all new utility and fiber optic installations within the NDOT right-of-way. Any utility installation crossing an irrigation or water drainage channel shall be concrete encased and placed to the depth specified in Appendix “E” below the elevation of the channel bottom.

Construction: Water Quality

68) PERMITTEE shall conform to Section “XI ENVIRONMENTAL” of the State of Nevada, Terms and Conditions Relating to Right-of-Way Occupancy Permits, 2018 Edition, in its entirety.

69) SWPPP implementation shall occur until all permitted work is complete and NDOT acceptance is granted.

70) Prior to construction of this Level I High Priority Encroachment Permit, PERMITTEE will deposit with NDOT a performance bond, or undertakings satisfactory to State, in the amount of the Engineer’s Cost Estimate plus ten percent (10%) to ensure completion of the encroachment permit. The performance bond shall remain in place until all the work in the right-of-way has been completed to the satisfaction of NDOT.

Construction: Restoration

71) PERMITTEE shall return all highway appurtenances, disturbed or destroyed, to a condition equal to or better than the original condition, and in accordance with NDOT Standard Plans and Specifications.

72) PERMITTEE shall coordinate relocation of disturbed survey monuments with NDOT Location Division, Aaron Schulman at (775) 888-7256. Monuments shall be replaced by a Nevada Licensed Professional Land Surveyor (PLS), per NDOT “Special Instructions for Survey, Mapping, or GIS Consultants” and Nevada Revised Statutes.

73) All disturbed areas, left undeveloped for longer than twenty (20) days, shall be stabilized by the application of an approved dust palliative. PERMITTEE shall be responsible for the condition of the disturbed area until vegetation is established.

74) PERMITTEE shall maintain noxious weed control in disturbed areas, until the desired vegetation is established.

PERMITTEE 
DATE 03/30/2023

PERMITTEE: Joshua G MyersDISTRICT NO. 206870-17**SECTION III: ENVIRONMENTAL****Environmental: Standards and Practices**

75) If any species are listed by either the US Fish and Wildlife (USFWS) or by the State, the PERMITTEE must have a qualified biologist complete a field assessment and determine species presence or absence and contact the appropriate agencies to determine what mitigation methods are required if found. PERMITTEE must submit copies of any reports and documentation of any required agency consultations to NDOT.

76) The PERMITTEE must follow all BMPs to avoid impacts to all federal or state listed species.

77) BATS: If bats are identified roosting within the permitted area contact the Nevada Department of Wildlife (NDOW) for proper guidance. An avoidance area with one hundred-foot (100') radius must be maintained until formal guidance is received. For information on how to contact NDOW, go to:

http://www.ndow.org/Our_Agency/Contact_Us/

78) MIGRATORY BIRD TREATY ACT (MBTA): Vegetation/structure removal shall be conducted to conform with the MBTA to avoid impacts to listed migratory birds (50 CFR 10.13) that may be actively utilizing vegetation or structures for nesting. When possible, vegetation and structure removal should not occur during avian breeding season (generally March 1 through July 31), but raptors and owls may begin nesting as early as January. As these dates are a general guideline, active nests may be observed outside this range. If vegetation/structure removal must occur during avian breeding season, nesting surveys must be conducted by a qualified biologist. If nesting sites are found within the project limits, US Fish and Wildlife must be consulted to determine a suitable buffer area around the nest site. Buffer areas around the nest site should be flagged as an avoidance area and no disturbance should occur within the avoidance area while the nest is occupied with eggs and/or young. Once young have left the nest, the avoidance area can be removed, and work can resume. For more information on the Migratory Bird Treaty Act go to:

<http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtintro.html>

79) LIVESTOCK OR WILDLIFE FENCING: If livestock (Nevada 4-wire Type C-NV-4B) or wildlife (96") fencing is to be breached by the PERMITTEE, maintain the functionality of the fence to prevent livestock or wildlife from entering the Department's right-of-way and becoming a safety hazard. All staging areas must be at least one hundred feet (100') away from the terminus of a livestock or wildlife fence as well as any escape features such as 1-way gates or escape ramps.

80) NOXIOUS WEEDS: The PERMITTEE shall complete the Noxious Weed Management Checklist/Plan (<https://www.nevadadot.com/doing-business/about-ndot/ndot-divisions/engineering/environmental-services/environmental-documents-and-projects>), describing how they will prevent the introduction and spread of noxious weeds. The PERMITTEE must keep a copy of the completed Noxious Weed Management Checklist/Plan on site while working within the Department's right-of-way. At Department's request, the PERMITTEE shall provide a copy of the Noxious Weed Management Checklist/Plan to NDOT Environmental Services for review and approval. For more information Nevada noxious weeds, go to:

<http://agri.nv.gov/NoxiousWeeds/>

PERMITTEE



DATE

03/30/2023

PERMITTEE: Joshua G Myers

DISTRICT NO. 206870-17

SECTION IV: MAINTENANCE

Maintenance: General

81) Maintenance and repair of driveway(s), drainage, sidewalks, retaining wall, signage, pavement markings and any other facility appurtenances installed in the NDOT right-of-way shall be the responsibility of the PERMITTEE in perpetuity and any subsequent property owners, unless specifically outlined in the following conditions. Any future modifications to these facilities shall require a new encroachment permit.

82) PERMITTEE shall file and record with this property, the right of maintenance for all structures and features within the NDOT right-of-way to legally obligate the current and future owner to the maintenance responsibilities. A copy of the recorded document must be submitted to NDOT District II Permit Office prior to the release of the permit.

83) PERMITTEE shall be responsible in perpetuity for all maintenance of plants, shrubs and trees and related irrigation systems installed in the right-of-way under this permit.

84) PERMITTEE will ensure that the continuing responsibility for upkeep and repair of any facility erected or installed in connection to this permit will be transferred to the PERMITTEE’s successors in interest or assigns.

85) It shall be understood by the PERMITTEE that this approach may be reduced (such as a right-in/right-out turn only configuration). By commencing work under this permit, PERMITTEE agrees to accept this condition and also agrees not to hold the State of Nevada responsible for any costs or damages that may result from a modification of this approach.

86) PERMITTEE shall be responsible for maintaining the integrity of the roadway surface. Dust, dirt, mud, gravel, etc. carried onto the roadway surface shall be removed on a regular basis (at least once a day or as requested by NDOT personnel). Failure to comply may result in NDOT having the roadway cleaned and the cost for the clean-up billed to the PERMITTEE.

87) PERMITTEE shall not disturb signs, object markers, milepost panels, marker posts and guideposts.

88) PERMITTEE shall not use the NDOT right-of-way for truck staging or deliveries. All truck staging and deliveries shall be accomplished outside of the NDOT right-of-way.

89) PERMITTEE shall submit a temporary occupancy permit application for any routine maintenance activities within the NDOT right-of-way. This includes, but not limited to, working within the Interstate right-of-way, sealing and/or patching a driveway, replacing signage, refreshing pavement markings, flushing a culvert, and setting up temporary traffic control devices. Please contact the District II Permit Office at (775) 834-8330 for more information.

90) PERMITTEE shall only use legalized Interstate Exits as turnarounds. PERMITTEE shall not use Emergency Vehicle Turnarounds as a means of travel or use for U-Turns. Any incident arising from activities pertaining to the permitted access will be considered as willful misconduct and result in revocation of access.

PERMITTEE 
DATE 03/30/2023

PERMITTEE: Joshua G Myers

DISTRICT NO. 206870-17

Maintenance: Utilities

91) Utility Maintenance is defined as actions performed on a regularly scheduled basis to preserve the intended working condition of the facility, or minor actions to correct a reoccurring problem.

- i) For underground maintenance, this consists of opening existing manholes to repair underground facilities and uncovering no more than fifty (50) feet of cables or lines buried in earth portions of highway right-of-way.
- ii) For overhead maintenance, this consists of replacing poles, guy poles, and cross arms in exact location in no more than two consecutive sites.

92) Utility Design Modification is defined as a change in the approved facility, or major actions to correct a reoccurring problem.

93) PERMITTEE shall submit an encroachment permit application for any utility design modification within the NDOT right-of-way.

94) The removal and/or installation of fiber optics not included in this permit shall require a new encroachment permit. Failure to comply may result in permit revocation.

Maintenance: Hours of Operation

95) PERMITTEE shall contact the District Permit Office, at (775) 834-8330, a minimum of five (5) working days prior to anticipated maintenance operations, unless identified in an issued temporary occupancy permit.

96) The hours of work shall be from 7:00 AM to 3:30 PM, daily, Monday through Friday, provided that all through lanes of traffic are unrestricted by activity in progress. If traffic is restricted by activity in progress, hours of work shall be from 9:00 PM to 5:30 AM, nightly, Sunday night through Friday morning. Any change in work hours must receive prior written approval from NDOT. To obtain approval, submit a formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE and submitted at least five (5) working days prior to the day you wish to work adjusted hours.

97) No work shall be allowed in the NDOT right-of-way from 5:00 AM the working day before a holiday through 7:00 PM the working day after a holiday, unless prior written approval has been given by NDOT. To obtain approval, submit a formal written request to the Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE and submitted at least five (5) working days prior to the day requested.

SECTION V: EMERGENCY WORK

Emergency Work: General

98) Emergency is defined as a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate the loss of, or damage to, life, health, property, or essential public services.

PERMITTEE 

DATE 03/30/2023

PERMITTEE: Joshua G Myers

DISTRICT NO. 206870-17

99) For emergencies, the PERMITTEE shall submit a NDOT Utility Emergency Work Notification Form to the NDOT District II Permit Office. The Emergency Notification Form may be hand delivered, faxed or sent electronic mail. Scheduled maintenance is not considered emergency work and may be denied. For more information, please contact the NDOT District II Permit Office at (775) 834-8330 during business hours.

100) During business hours, emergency work on permitted facilities must be authorized by the NDOT District II Permit Inspector, unless identified in an issued temporary occupancy permit. The Emergency Notification Form may be hand delivered, faxed or sent electronic mail.

101) During non-business hours, notify the NDOT District II Utilities 24/7 Hotline at (775) 834-8488. Provide the NDOT Road Operations Dispatch the following information:

- i. PERMITTEE’s contact information for the emergency. NDOT Road Operations Dispatch may need to call back to follow up.
- ii. Location of the emergency.
- iii. Description of the emergency.
- iv. Description of the traffic impact (shoulder closure, lane closure, etc.).
- v. Give an estimated time duration to mitigate the incident.

102) During emergency work, the PERMITTEE should minimize the disturbance to traffic at all times.

103) For emergencies, on the first business day thereafter, the PERMITTEE shall contact the NDOT District II Permit Office to initiate a new permit (if needed). This may be a temporary occupancy permit or a standard encroachment permit. Failure to notify NDOT for an emergency work situation and obtain a permit within the stated time period is considered a violation and may result in this permit revocation.

PERMITTEE 

DATE 03/30/2023

PERMITTEE: Joshua G Myers

DISTRICT NO. 206870-17

CO-PERMITTEE hereby acknowledges that he or she has read the *Terms and Conditions Relating to Right-of-Way Occupancy Permits* booklet (2018 ed.) and the Additional Terms and Conditions of this permit. By signing this permit, he or she agrees to all terms and conditions appurtenant to this permit.

Dated 03/30/2023

By 

Permittee – Joshua G. Myers, Owner

STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION

This Right-of-Way Occupancy Permit is granted to the PERMITTEE in accordance with the provisions of Chapter 408 N.R.S. and subject to the TERMS AND CONDITIONS stipulated to perform the work described.

Dated _____

By _____

Director or District Engineer